

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Younghee JUNG <i>et al.</i>	Confirmation No.: 3679
Application No.: 10/786,705	Examiner: Padmanabhan, Kavita
Filed: February 24, 2004	Group Art Unit: 2161

For: SYSTEM AND METHOD FOR THE PROVISION OF SOCIALLY-
RELEVANT RECOMMENDATIONS

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed October 28, 2010.

I. STATUS OF THE CLAIMS

Claims 1 through 15, 17 through 23, 48 through 62, 64 through 70 and 95 through 102 are pending in this appeal, in which claims 16, 24 through 47, 63, and 71 through 94 have previously been canceled, claims 3, 4, 7, 8, 10 through 12, 19, 20, 22, and 23 are original claims, and claims 1, 2, 5, 6, 9, 13 through 15, 17, 18, 21, 48 through 62, 64 through 70, and 95 through 102 have been previously presented.

Claims 1 through 15, 17 through 23, 48 through 62, 64 through 70, and 95 through 102 were finally rejected in an Office Action dated January 29, 2010. This Appeal is taken from the

final rejection of claims 1 through 15, 17 through 23, 48 through 62, 64 through 70, and 95 through 102 on January 29, 2010.

II. GROUND OF REJECTION TO BE REVIEWED

A. Claims 1 through 3, 6, 7, 9 through 15, 17, 19 through 22, 48 through 50, 53, 54, 56 through 62, 64, 66 through 69, and 95 through 102 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Burr* (US Pub. 2003/0045272) in view of *Ryan et al.* (US Pub. 2004/0215793).

B. Claims 8 and 55 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Burr* in view of *Ryan et al.*, and further in view of *Robertson* (US 6,269,369).

C. Claims 23 and 70 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Burr* in view of *Ryan et al.*, and further in view of *Tsou et al.* (US Pub. 2002/0184089).

D. Claims 18 and 65 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Burr* in view of *Ryan et al.*, and further in view of *Young et al.* (US 7,024,690).

E. Claims 4 and 51 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Burr* in view of *Ryan et al.*, and further in view of *Bieganski et al.* (US 6,412,012).

F. Claims 5 and 52 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Burr* in view of *Ryan et al.*, and further in view of *Spooner* (US Pub. 2005/0034099).

III. ARGUMENT

Initially, Appellants maintain and incorporate herein the arguments advanced in the Appeal Brief filed July 28, 2010. The arguments presented *infra* address certain new assertions presented by the Examiner in the Answer.

At pages 5 and 13 of the Answer, the Examiner continues to acknowledge that *Burr* fails to disclose all of the features of the independent claims and continues to argue that the recited features, “generating a recommendation for presentation to a user of the first hand-held device in accordance with the match,” are disclosed by *Ryan et al.* in paragraphs [0232] through [0235]. The Examiner also asserts that “[p]resenting user A with user B’s phone number so that user A can contact user B clearly constitutes a recommendation presented to user A that he call user B” and that “presenting user A with a specific phone number that belongs to user B when user B is within close proximity to user A is clearly a recommendation to user A that he contact user B using that phone number” (see, page 13 lines 15-19 of the Answer). Appellants respectfully disagree.

Ryan et al. discloses that “[u]ser A receives an SMS that User B, a friend of his friend User C, is in the same cell-site” at a sport-stadium” (see, paragraph [0223] of *Ryan et al.*, emphasis added). *Ryan et al.* further discloses that “[u]ser A is interested to communicate with User B, but only after checking with User B about the person” (see, paragraph [0234] lines 1-2 of *Ryan et al.*). In other words, the system of *Ryan et al.* provides User A with an SMS indicating that User B is in the same cell-site. However, *Ryan et al.* also discloses that User A may contact User B only after User A receives a positive response from User C regarding User B. In particular, paragraph [0234] of *Ryan et al.* discloses that “[i]n a simple implementation, User A will simply call or send a text-message to User C,” or “[i]n a sophisticated implementation, the

system will give User A the option to be placed directly into contact via voice or data with User C.” After “User A reaches User C and User C replies positively to User A’s interest in contacting User B,” User A responds to the original alert message that indicated User B was in the same cell-site (see, paragraph [0235] lines 1-3 of *Ryan et al.*, emphasis added). That is, the system of *Ryan et al.* only provides an alert to User A that User B is in the same cell-site as User A, and thereby, certainly cannot reasonably be interpreted as generating a recommendation for presentation to User A in accordance with a match. At best, *Ryan et al.* discloses that User C provides User A with a positive reply regarding User B. Even assuming, *arguendo*, that User C’s positive reply is a recommendation, the positive reply is not being generated, much less, being generated for presentation to User A in accordance with a match.

In view of the foregoing, the Examiner has incorrectly interpreted user B’s phone number as the claimed recommendation (see, page 13 lines 17-19 of the Answer). As maintained, the system of *Ryan et al.* only provides User A with an alert via SMS that User B is in the same cell-site; this is not a recommendation. In effect, the Examiner has simply ignored this claim language.

Therefore, at least for the reason *supra*, in addition to the argument presented in the Principal Brief, a reversal, by the Honorable Board, of the rejections of claims 1 through 3, 6, 7, 9 through 15, 17, 19 through 22, 48 through 50, 53, 54, 56 through 62, 64, 66 through 69 and 95 through 102 under 35 U.S.C. §103(a) is respectfully solicited.

V. CONCLUSION AND PRAYER FOR RELIEF

Appellant, therefore, requests the Honorable Board to reverse each of the Examiner's rejections.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

December 28, 2010

Date

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